

## **LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.#:**      **North Creek Commercial Center**

**Date:** May 30, 2001

Change of Zone #3313

Preliminary Plat #01003

**Note:** This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROPOSAL:** Robert Dean, of Engineering Design Consultants, has applied for the following proposals in the vicinity of N. 27<sup>th</sup> Street and Whitehead Drive:

- 1) Change of Zone #3313 from R-3 Residential to H-3 Highway Commercial
- 2) Preliminary Plat #01003 North Creek Commercial Center consisting of 10 commercial lots.

Requested Waivers or Variations from:

- 1) Section 26.23.130 "Block size" to allow block lengths over 1,320 feet.

### **GENERAL INFORMATION:**

**APPLICANT:**                      Robert Dean  
Engineering Design Consultants  
630 N. Cotner Blvd, Suite 105  
Lincoln, NE 68505  
(402) 464-4011

**CONTACT:**                        Same

**LAND OWNER:**                North Creek L.L.C  
Robert Hampton  
6101 Village Drive, Suite 101  
Lincoln, NE 68516

**LOCATION:**                        N. 27<sup>th</sup> Street and Whitehead Drive.

**LEGAL DESCRIPTION:**        See Attached

**EXISTING ZONING:**            R-3, Residential

**SIZE:**                                37.34 acres, more or less

**EXISTING LAND USE:**     Undeveloped

**SURROUNDING LAND USE AND ZONING:**   Zoned H-3 Highway Commercial District to the north and east with commercial uses under development; zoned R-3, Residential and R-4, Residential to the south and southwest with a drainage way and wetlands and residential uses under development; zoned AG to the northwest across I-80 with a request for change of zone and preliminary plat to allow industrial uses under review.

**COMPREHENSIVE PLAN SPECIFICATIONS:**       Shown as commercial on Figure 16 “Lincoln’s Land Use Plan” and on the “Approved Future Land Use” map of the “North 27<sup>th</sup> Street Subarea”.

**HISTORY:**

- The property was changed from A-2, residential to R-3, residential with the 1979 zoning update.
- The 1994 Lincoln Lancaster County Comprehensive Plan designated the future land use of the area as residential.
- The land use designation was changed from residential to industrial/employment center when the N. 27<sup>th</sup> Street Subarea Plan (Comprehensive Plan amendment #94-03) was adopted in September, 1996.
- The industrial employment center designation was changed to commercial with the Fourth Annual Review of the Comprehensive Plan in 1999.
- The property was included as an outlot for future commercial development in both the North Creek Preliminary Plat (approved in 1999) and the North Creek Trade Center Preliminary Plat approved in 2001.
- The area was annexed and is subject to the annexation agreement approved at the same time the North Creek Trade Center Preliminary Plat was approved on April 23, 2001.

**SPECIFIC INFORMATION:**

**UTILITIES:**   Extension of water and sewer lines is addressed in the Preliminary Plat.

**TOPOGRAPHY:**   Generally sloping from the north to the south.

**TRAFFIC ANALYSIS:**   Telluride Drive, Whitehead Drive and Wildcat Circle are local, commercial streets. Wildcat Circle should extend through the property and connect with Telluride Drive to provide adequate circulation and to avoid block lengths that exceed 1,320 feet.

**ENVIRONMENTAL CONCERNS:** Areas for wetlands and flood plain/stormwater drainage are shown in outlots southwest of the proposed plat.

**AESTHETIC CONSIDERATIONS:** The area abuts I-80, an entry way to the city. The approved annexation agreement addresses signage and landscaping for the development. A note should be added to the plan specifying the signage limitations.

**ANALYSIS:**

Project Overview

1. This is a request for a change of zone from R-3 Residential to H-3 Highway Commercial and for a preliminary plat consisting of 10 commercial lots. The area was shown as an outlot for future commercial development in previously approved Preliminary Plats.
2. The area is designated for commercial land uses on Figure 16 "Lincoln's Land Use Plan" and in the North 27th Street Sub Area Plan, of the amended 1994 Lincoln-Lancaster County Comprehensive Plan. The change of zone is in general conformance with the Comprehensive Plan.

Entryway

3. The area is adjacent to Interstate 80. The City has prepared entryway design guidelines that include the section of I-80 abutting this development. However, specific recommendations for the corridor have not been adopted.
4. Through the previously approved annexation agreement the developer agreed to provide additional landscaping and to establish landscape covenants to provide a distinct character for the development with visual continuity. The landscaping covenants incorporate native plant materials. That agreement applies to this area as well.
5. The landscape plan on the Preliminary Plat shows a 20' buffer/landscape easement. The landscape incorporates native materials and was designed to be compatible with the recommended entryway guidelines. The I-80 frontage does require street trees, which will be required to be added to the landscape plan.

6. The proposed H-3 district allows 1 ground or pole sign per business per lot or 2 signs per lot occupied by a single business. Because the area is within 660' of the Interstate, the signs could be up to 80' high.
7. The approved annexation agreement restricts the number of allowed signs to only 1 sign per lot. The sign could be either a ground sign or a pylon sign. A pylon sign is similar to a pole sign but has a base that is at least 24" wide. The maximum height allowed for a pylon sign would be 30'. Off premises signs (billboards) are not allowed. The signs would be designed of non-reflective material that is the same or similar to the building with which it is associated. The sign covenants will be an attachment to the annexation agreement.
8. The developer has provided design covenants for the buildings. The proposed covenants could be changed only with the approval of the Planning Director or City Council.
9. The proposed preliminary plat contains 10 commercial lots. The developer anticipates that Lot 4 and Lot 10 will ultimately be combined with existing lots to the north through the administrative platting process.
10. The developer has requested a waiver of the block length requirement. Due to the location of the Interstate, and wetlands, this request is reasonable to the northwest and south. However, there is not justification why Wildcat Circle should not be extended to Telluride Drive to meet the 1,320' block length requirement and improve traffic circulation.

### **Conclusion**

The proposed Preliminary Plat and Change of Zone are consistent with the previously approved preliminary plat. The Change of Zone conforms to the Comprehensive Plan. The approved annexation agreement applies to theis property. There is not justification to grant the waiver to the 1,320' block length. Therefore, Wildcat Circle should be extended to Telluride Drive.

**STAFF RECOMMENDATION:**   ·Approval of Change of Zone #3313  
  ·Conditional Approval of Preliminary Plat #01001  
  ·Approval of the Waiver of Block Length adjacent  
  to the Interstate and the wetlands  
  ·Denial of the Waiver of Block Length along  
  Telluride Drive

**CONDITIONS PRELIMINARY PLAT:**

**Site Specific:**

- 1     After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1    Revise the preliminary plat to show:
    - 1.1.1       Revise note 25 to specify the signage restrictions, change "boundary" to building, and reference the covenants that are part of the annexation agreement.
    - 1.1.2       Revise the landscape plan to show street trees along the interstate.
    - 1.1.3       Revise the plans to remove the names of individuals/companies that are not property owners.
    - 1.1.4       Provide a signed and sealed boundary survey on the plat.
    - 1.1.5       Revise Note 10 to show the correct number of lots.
2.    The City Council approves associated requests:
  - 2.1.1 Change of Zone #3313.

- 2.1.2 A modification to the requirements of the land subdivision ordinance to permit a waiver of the block length requirement along I-80 and the wetlands located along the southwestern boundary of the Preliminary Plat.

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
  - 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
  - 3.2 The 1 foot wide strip along the west side of Telluride Drive, identified as Outlot A, North Creek 2<sup>nd</sup> Addition shall be included within the boundaries of the final plat, as shown on the Preliminary Plat.
  - 3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.3.1 To submit to the Director of Public Works an erosion control plan.
    - 3.3.2 To protect the remaining trees on the site during construction and development.
    - 3.3.3 To pay all improvement costs except those costs the City Council specifically subsidizes as follows:
      - 3.3.3.1 The difference in cost between an 8" water main and 16" water main.
      - 3.3.3.2 The difference in cost between an 8" sanitary sewer and a 12" sanitary sewer.
    - 3.3.4 To submit to lot buyers and builders a copy of the soil analysis.
    - 3.3.5 To continuously and regularly maintain street trees and landscape screens.

- 3.3.6 To complete the private improvements shown on the preliminary plat.
- 3.3.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.8 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 3.3.9 To comply with the annexation agreement adopted by Resolution #A-80805.

Prepared by:

---

Jennifer L. Dam, AICP  
Planner



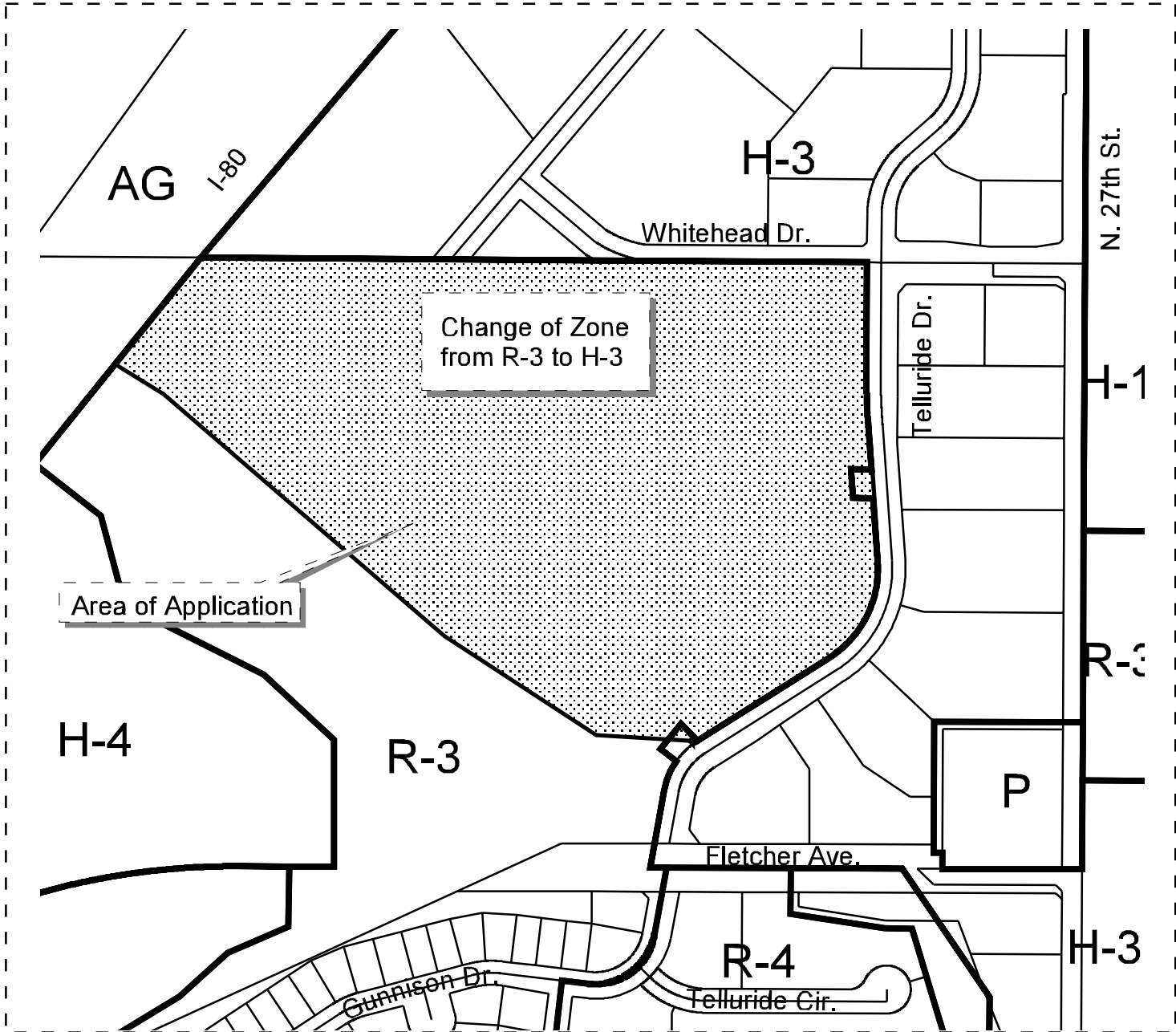
**Preliminary Plat #01003**  
**Change of Zone 3313**  
**N. 27th & Whitehead Dr.**



Sheet \_\_\_\_\_ of \_\_\_\_\_

Date: \_\_\_\_\_

Photograph Date: 1999

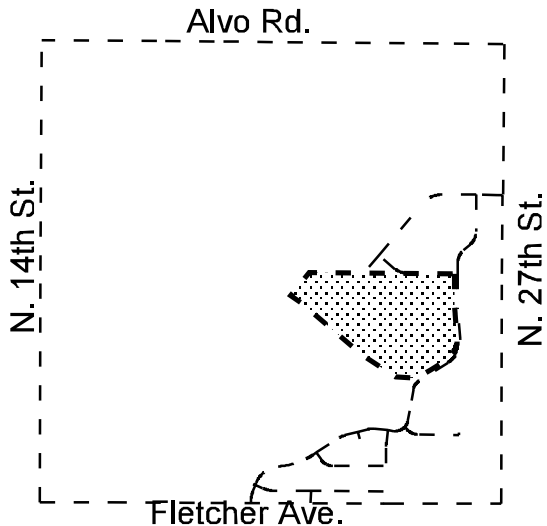
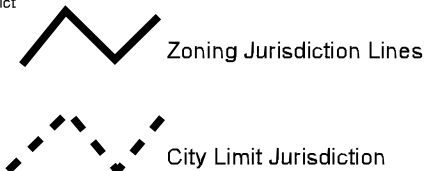


**Preliminary Plat #01003**  
**Change of Zone 3313**  
**N. 27th & Whitehead Dr.**

**Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 36 T11N R6E



Sheet \_\_\_\_ of \_\_\_\_

Date:

Lincoln City - Lancaster County Planning Dept.



# Memorandum

---

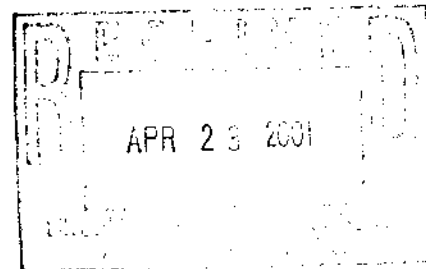
**To:** Jennifer Dam, Planning  
**From:** Rachel Martin, Parks and Recreation  
**Date:** April 23, 2001  
**Re:** North Creek Commercial Center

---

Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

1) Changes to the landscape plan dated 4/19/01 are acceptable and satisfy items in the 3/19/01 memo.

Please phone me at 441-7936 with any questions.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Jennifer Dam

**DATE:** 3/12/2001

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Leon F. Vinci, MPH  
EH File  
EH Administration

**SUBJECT:** North Creek Commercial  
Center

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for a change of zone and has noted the following:

- If the change of zone from R-3 to H-3 is approved, the LLCHD does have concerns regarding the future uses in the H-3 and the close proximity of the residential zone to the southwest. Under the permitted uses for H-3 zoning, warehouses are a permitted use. LLCHD has concerns regarding the storage of hazardous chemicals in such facilities because of the potential for adverse public health impacts from a hazardous chemical spill, fire, or other natural disaster. Therefore, before the LLCHD can make informed recommendations, the LLCHD requests the applicant to submit additional information regarding the future uses in the proposed H-3 zone. If uses can be restricted, LLCHD would appreciate being directly involved in that discussion process.
- The applicant should review the City of Lincoln, Noise Control Ordinance Chapter 8.24 L.M.C. Specifically, measured at the property line for residential zoning, noise pollution cannot exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

# M e m o r a n d u m

[REDACTED]

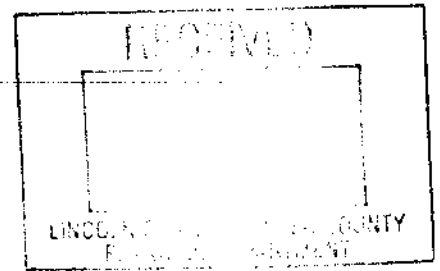
**To:** Jennifer Dam, Planning Department

**From:** *M* Dennis Bartels, Public Works & Utilities

**Subject:** North Creek Commercial Center Preliminary Plat

**Date:** May 7, 2001

**cc:** Roger Figard, Nicole Fleck-Tooze, Lynn Johnson



Engineering Services has reviewed the revised preliminary plat, North Creek Commercial Center, and has the following comments:

1. The proposed sewer and water systems shown are satisfactory.
2. The revised grading plan and calculations are satisfactory.
3. The block length from Whitehead to Fletcher along Telluride exceeds subdivision requirements. The request to waive this requirement does not meet the criteria for waiving this requirement stated in 26.23.130 of the subdivision ordinance. Engineering Services, therefore, recommends the waiver be denied.



April 20, 2001

630 North Cotner Blvd., Suite 105  
Lincoln, Nebraska 68505

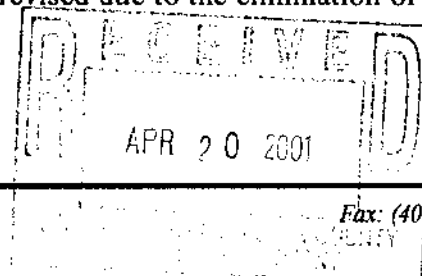
Jennifer Dam  
Lincoln-Lancaster County  
Planning Department  
555 So. 10<sup>th</sup> Street, Ste. 213  
Lincoln, NE 68508

Re: North Creek Commercial Center  
Preliminary Plat #01003  
EDC Job # 01-004

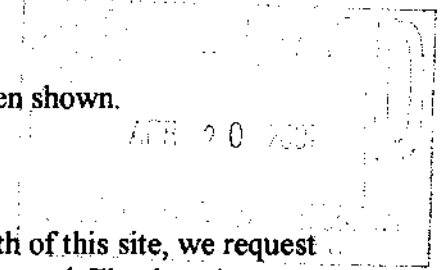
Dear Jennifer:

Enclosed herewith are revised plans for the North Creek Commercial Center Preliminary Plat. The revisions are in response to the City and other agency comments as outlined in the Planning Staff letter dated April 4, 2001. The following address each item listed in the April 4<sup>th</sup> letter.

1. The High Pointe North Commercial Park Addition has been removed from within the Preliminary Plat Boundary.
2. A note has been added to the plan stating that Outlot 'C' is not part of this plat.
- 3 & 4. The triangular area is part of Lot 1. The line shown was a proposed sanitary sewer line and not a property line. The line has been changed and labeled as "sewer".
5. Note 25 has been added to the General Notes addressing landscape, signage and building design.
6. Note 26 has been added to the General Notes stating that a 30 foot front yard setback is required in the H-3 Zone.
7. Note 5 of the General Notes has been removed.
8. Note 8 of the General Notes has been revised to require sidewalks along Whitehead Drive and Telluride Drive.
9. Note 11 of the General Notes has been revised due to the elimination of the High Pointe Addition.
10. No Comment.



11. All lots are served by a sanitary sewer line. The lines have been revised and labeled for clarification.
- 12 & 13. The drainage table has been expanded to include calculations for the major storm and drainage swales added to convey the runoff to the detention facility.
14. Note 27 has been added to the General Notes addressing storm water detention.
15. Clarification notes have been added on Sheet 3, Grading & Drainage Plan, requiring design of the outlet structures during final design of the storm drainage system as part of lot development.
16. The traffic study completed as part of the overall North Creek Development (North Creek Development, Traffic Impact Analysis, Final Report, dated April 1999, by Olsson Associates) utilized land uses for this commercial area consistent with the H-3 Zoning. The presently proposed land uses have not deviated from what is allowed under the H-3 Zoning or what was intended within the traffic study. Any anticipated uses currently under consideration would generate traffic volumes that are less than those proposed by the study.
17. The Landscape Plan has been revised to replace the Scotch Pine with Colorado Blue Spruce.
18. The notes section on the Landscape Plan have been combined.
19. The Landscape notes have been revised to require street trees to be planted in the street right-of-way.
20. Note 3 of the Landscape Notes has been removed.
21. The Landscape Plan has been revised to add additional trees at the south end of Lot 2.
22. Easements requested by Lincoln Electric System have been shown.
23. No comment.
24. Due to the existing open channel and wetlands to the south of this site, we request a waiver of the block length between Whitehead Drive and Fletcher Avenue. Based on the proposed lot configurations for this plat and the existing adjacent roadway network, extension of Whitehead Circle to Telluride is not warranted or beneficial to development of this property.



Jennifer Dam

Page 3

25. We request a waiver to eliminate the requirement for sidewalks along the I-80 frontage.

If you have any questions or require additional information, please contact me at 464-4011.

Sincerely,

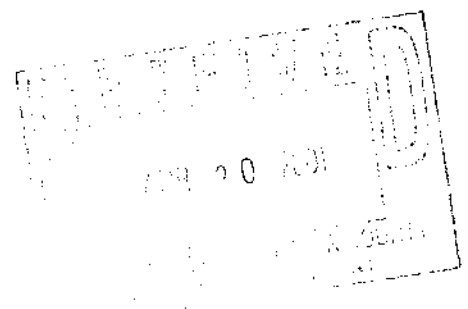


Robert L. Dean, P.E.

RLD/kle

Enclosure

cc: Robert Hampton  
Mark Hunzeker





April 4, 2001

Mr. Bob Dean  
Engineering Design Consultants  
630 N. Cotner Blvd, Ste 105  
Lincoln, NE 68505

RE: North Creek Commercial Center Preliminary Plat #01003

Dear Bob:

Your preliminary plat has been reviewed by the county staff, the city staff and other agencies involved in land subdivision. The review found the plans will need revisions to bring them into compliance with the regulations. Those revisions include:

1. The proposed preliminary plat includes platted lots in the High Pointe North Commercial Park. The attorney representing the property owner has recently indicated that they do not want to include the existing platted lots in this Preliminary Plat. Rather, they intend to adjust the lot lines through a final plat process in the future. Please verify this information, and adjust the boundaries of the proposed Preliminary Plat accordingly.
2. Revise the boundary of the plat to clarify that "Outlot C" is not a part of the proposed plat.
3. Clarify which lot the triangular area at the southeast corner of Lot 1 belongs to. It is not shown in conjunction with either Lot 1 or Outlot C.
4. Clarify the lot lines and easement lines in Lot 1. A sanitary sewer easement appears to have a lot line included with it.
5. Add a note indicating that landscaping, signage and building design will be in accordance with the Annexation Agreement associated with the North Creek Trade Center Preliminary Plat, and the annexation of this property.
6. Note that the H-3 district requires a 30' front yard. A recent opinion from the City Attorney indicates that the frontage along I-80 is a front yard.
7. Clarify note 5. It does not appear that any public use easements are shown on the proposed plat.
8. Revise Note 8 to indicate that sidewalks will be constructed on the south side of Whitehead Drive and the west side of Telluride.



9. Revise Note 11 regarding total usage if the area from High Point is removed from the plat.
10. The Public Works Department noted that the existing and proposed water systems shown on the plat are adequate to serve the proposed lots in the plat.
11. The Public Works Department noted that no proposed sewers are shown on the site plan. Some lots shown are not served by existing sanitary sewer. The plan must be revised to show how all lots will be served.
12. The Public Works Department noted that the drainage and grading calculations submitted with the plat do not show how the major storms will be handled as is required by design standards.
13. The Public Works Department noted that no easements or overland flow routes are shown for the public storm sewer system outside the right-of-way downstream of Wildcat Drive.
14. The Public Works Department noted that storm water detention is not addressed with this application. A previous plat of North Creek Addition accounted for the runoff and detention requirements for the area of this plat. Since this is a new plat and the detention is outside this plat, the intentions of the developer including maintenance and construction responsibilities need to be acknowledged in this application.
15. The plans show 4 outlets from this plat into the 100 year flood area/flood corridor easement outside this plat. The plan grading does not show that water will reach these inlets. The concentrated flow will cause maintenance problems in the easement outside this plat. More detail is needed to show that the open drainage area is protected and will not degrade with the development plan as submitted. The portion of the easement within this plat should be shown on the site plan.
16. The traffic study for this area previously submitted depicted different land uses than is typically expected for the H3 zoning presently being requested. The study should be updated to acknowledge the presently proposed land use.
17. Revise the landscape plan to replace Scotch Pine with Colorado Blue Spruce or Black Hills Spruce. Scotch Pine are susceptible to Pine Wilt disease.
18. Revise the landscape plan to have only one notes section.
19. Revise the note regarding street trees to indicate that they will be planted in the right of way.
20. Remove "Note 3" regarding the landscape buffer between North Creek and the North Creek Trade Center as it is not applicable to this plat.

21. Revise the landscape plan to show the required street trees at the south end of Lot 2.
22. Provide the easements requested by LES.
23. The Health Department expressed concerns regarding H-3 zoning. However the proposed plat is not adjacent to residential uses.
24. The block length between Whitehead Drive and Fletcher Avenue exceeds the 1320 maximum. Extending Wildcat Circle through to Telluride would reduce the block length and meet the requirements.
25. The I-80 frontage requires street trees and sidewalks. Staff would consider a request for a waiver of the sidewalks since there is not a road cross-section showing sidewalks along the Interstate.

In addition you should be aware of the following general requirements:

1. You must complete, or post a surety to guarantee the completion of, the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, at your own expense, in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
2. You must agree:
  - 2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
  - 2.2 To complete the private improvement shown on the preliminary plat.
  - 2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
  - 2.4 To continuously and regularly maintain the street trees along the private roadways and landscape screens.

- 2.5 To submit to the lot buyers and homebuilders a copy of the soil analysis.
- 2.6 To pay all improvement costs.
- 2.7 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

All deviations from the Land Subdivision Ordinance and the adopted Design Standards must be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent of the Land Subdivision Ordinance and why the deviation should be accepted must be submitted with the revised preliminary plat. Refer to Section 26.15.030(d) of the Lincoln Municipal Code.

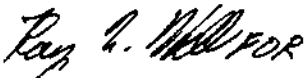
The next step in the review process requires a written response from you indicating agreement or disagreement (including a list of waivers) with each of the preceding revisions and general requirements. The revised preliminary plat and accompanying documents must be submitted 5 Mondays before the Planning Commission hearing.

Following the review of the revised plans and your response to the issues, I will re-evaluate the proposed preliminary plat for compliance with code requirements and design standards..

Please find attached reports from other departments who reviewed your plans.

Jennifer Dam will be happy to assist you process this plat. She may be reached at 441-6362.

Sincerely,



Kathleen A. Sellman, AICP  
Director of Planning

Attachments

cc: Bob Hampton  
Dennis Bartels, Public Works & Utilities  
Lincoln Electric System  
Alltel Communications  
City-County Health Department  
Building & Safety  
Parks & Recreation  
County Engineering  
Fire Department  
Police Department  
File